

FUJIWARA AND ROSENBAUM, LLLC

ELIZABETH JUBIN FUJIWARA 3558
JOSEPH T. ROSENBAUM 9205
1100 Alakea St., 20th Fl., Ste B
Honolulu, Hawaii 96813
Telephone: 808-203-5436

Electronically Filed
FIRST CIRCUIT
1CCV-19-0002213
26-NOV-2019
10:48 AM

Attorneys for Plaintiff
DEBRA TAKEHARA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

DEBRA TAKEHARA,) CIVIL NO.
) (Other Civil Action)
Plaintiff,)
) COMPLAINT; DEMAND FOR JURY
vs.) TRIAL; SUMMONS
)
DEPARTMENT OF PROSECUTING)
ATTORNEY, CITY AND COUNTY OF)
HONOLULU; JOHN DOES 1-10; JANE)
DOES 1-10;)
DOE CORPORATIONS 1-10;)
DOE PARTNERSHIPS 1-10; DOE)
UNINCORPORATED ORGANIZATIONS)
1-10; and DOE GOVERNMENTAL)
AGENCIES 1-10,)
)
Defendants.)
)
)
)
)
)

COMPLAINT

COMES NOW Plaintiff DEBRA TAKEHARA [hereinafter referred to as "MS. TAKEHARA"], by and through her counsel, ELIZABETH JUBIN FUJIWARA and JOSEPH T. ROSENBAUM, and complains against the above-named Defendants alleges and avers as follows:

I. NATURE OF CASE

1. The basis of this case is civil rights violation as it relates to MS. TAKEHARA's employment at the DEPARTMENT OF PROSECUTING ATTORNEY, CITY AND COUNTY OF HONOLULU [hereinafter referred to as "DPA" and all Defendants collectively referred to as "DEFENDANTS"].

II. JURISDICTION

2. MS. TAKEHARA brings this action pursuant, including, but not limited to, Hawai'i Employment Practices Act (HRS Chapter 378) to obtain full and complete relief and to redress the tortious conduct described herein.

3. At all times relevant herein, MS. TAKEHARA was an employee of DPA and a resident of the City and County of Honolulu, State of Hawaii.

4. At all times relevant herein, Defendant DPA is an employer within the meaning of HRS 378. DPA's principal place of business is in Honolulu, Hawai'i.

5. Upon information and belief, and at all times relevant herein, Defendant DPA's employees, agents and/or representatives, were acting within the course and scope of their duties as employees, agents and/or representatives of DPA; therefore, DPA is liable for the intentional and/or tortious and/or wrongful conduct of said employees, agents and/or representatives pursuant to the doctrine of Respondeat Superior and/or principles of Agency.

6. All events done by Defendants described herein occurred within the City and County of Honolulu, State of Hawaii, and within the jurisdiction and venue of First Circuit Court.

III. STATEMENT OF FACTS

7. In or about November 2006, MS. TAKEHARA was hired by DPA as an Investigator II.

8. MS. TAKEHARA was eventually promoted by the DPA to the position of Investigator IV.

9. During her time at the DPA MS. TAKEHARA received awards and commendations for the quality of her work.

10. In 2018, MS. TAKEJARA received the Employee of the Year award from the DPA.

11. MS. TAKEHARA also received three (3) letters of commendation from the DPA (two in 2008 and one in 2009).

12. During her time at the DPA, up until she complained of discrimination/retaliation and was a witness at the federal grand jury as detailed below, MS. TAKEHARA had zero negative performance reviews.

13. During her time at the DPA, up until she complained of discrimination/retaliation and was a witness at the federal grand jury as detailed below, MS. TAKEHARA was never spoken to or reprimanded regarding anything at working including the quality of her work or her interaction with co-workers.

14. MS. TAKEHARA is currently an Investigator IV.

15. On or about June 20, 2018 at 1900 hours, MS. TAKEHARA discussed with Victim Witness Counselor Rosanna Daniel-Kanetake about Ms. Daniel-Kanetake's point of view regarding transports and letting residents decide which Investigative Services Division ("ISD") Investigator should be.

16. Ms. Daniel-Kanetake falsely told the Honolulu Prosecutor Safe House ("HPSH") Director Libby Lee-Hobbs that MS. TAKEHARA was ranting and raving regarding MS. TAKEHARA's inquiry to Ms. Daniel-Kanetake regarding MS. TAKEHARA's inquiry regarding the transports and assignment of Investigators as detailed above.

17. MS. TAKEHARA knows Ms. Daniel-Kanetake made this false statement as Ms. Libby Lee-Hobbs showed MS. TAKEHARA a text message regarding the same.

18. On or about July 27, 2018, HPSH Director Lee-Hobbs says to MS. TAKEHARA that she noticed that Residential Assistant Jasmine Mina and MS. TAKEHARA "are close".

19. Later in evening on the same date, Ms. Mina talks to HPSH Director Lee-Hobbs about Ms. Daniel-Kanetake sharing confidential information with residents and other staff regarding other staff and residents' personal information including the result of drug screenings.

20. On or about September 4, 2018 at 1550 hours, Special Agent Nicole Vallieres from the FBI emailed MS. TAKEHARA a subpoena for a federal grand jury being held on September 13, 2018.

21. On September 13, 2018, MS. TAKEHARA went to the federal grand jury with DPA's Special Assistant Roger Lau.

22. At lunch, before she testified, Mr. Lau asked MS. TAKEHARA what she was going to testify to.

23. MS. TAKEHARA responded that she didn't know.

24. At the federal grand jury, Ms. TAKEHARA testified regarding being instructed by Mr. Lau to investigate certain issues alongside DPA's Katherine Kealoha and the fact a report was created regarding the same.

25. After she testified, Mr. Lau again asked MS. TAKEHARA and Mr. Lee what she testified to.

26. MS. TAKEHARA responded it was about the time Mr. Lau assigned her to go out on an investigation with Katherine Kealoha.

27. On September 27, 2018, MS. TAKEHARA went back to the federal grand jury to provide documents regarding report that was created after MS. TAKEHARA went out on the above-referenced investigation with Katherine Kealoha.

28. On or about October 1, 2018, HPSH Director Lee-Hobbs stated she didn't open an envelope of HPSH resident MN's complaint while answering to the Hawai'i Civil Rights Complaint ("HCRC").

29. On or about October 2, 2018, MS. TAKEHARA told HPSH Director Lee-Hobbs that MS. TAKEHARA she wouldn't put something false information in the response to the HCRC after HPSH Director Lee-Hobbs had been looking over MS. TAKEHARA's shoulder as she was initially writing her response to the HCRC regarding HPSH resident MN.

30. On or about October 3, 2018, HPSH Director Lee-Hobbs and Ms. Daniel-Kanetake created a scene at the HPSH.

31. At one point, HPSH Director Lee-Hobbs yelled for help for an unknown reason.

32. HPSH Director Lee-Hobbs stated she was distancing herself from MS. TAKEHARA.

33. On or about October 9, 2018, MS. TAKEHARA talked with DPA Administrative Service Officer ("ASO") Jason Tamanaha, the person that MS. TAKEHARA was supposed to go to regarding any complaints, about making a complaint against Ms. Daniel-Kanetake and HPSH Director Lee-Hobbs.

34. MS. TAKEHARA complained to ASO Tamanaha that Ms. Daniel-

Kanetake told Ms. Mina, HPSH residents and/or HPSH Director Lee-Hobbs that MS. TAKEHARA was having a sexual relationship with Siony, Leinani and HPSH Director Lee-Hobbs.

35. MS. TAKEHARA complained to ASO Tamanaha that Ms. Daniel-Kanetake told Ms. Mina, HPSH residents and/or HPSH Director Lee-Hobbs that MS. TAKEHARA and her husband were having problems.

36. MS. TAKEHARA told ASO Tamanaha if Ms. Daniel-Kanetake stopped this harassing and discriminatory behavior then MS. TAKEHARA would not make a formal complaint of discrimination to the DPA.

37. Right after she spoke with ASO Tamanaha, MS. TAKEHARA informed Special Assistant Roger Lau that she was possibly going to make a complaint against Ms. Daniel-Kanetake regarding her harassment and discrimination as stated above.

38. Mr. Lau responded by saying "Don't need to if she's not here".

39. On October 10, 2018, MS. TAKEHARA spoke with ASO Tamanaha to see what he did regarding her complaints and if he spoke with admin/ Mr. Lau and if they were going to do anything to stop Ms. Daniel-Kanetake from continuing to harass and discriminate against MS. TAKEHARA.

40. ASO Tamanaha stated he talked with Admin (Executive Assistant to the Prosecutor, Carol Nakamura) and Ms. Nakamura stated MS. TAKEHARA needed to put in an official complaint for anything to be done.

41. On October 10, 2018 about mid-morning, Mr. Lau was overheard by DPA Residential Assistant Jasmine Mina talking to DPA Senior Clerk Bryce Kaaikala that he needed to go main office to scold MS. TAKEHARA regarding something he incorrectly thought MS. TAKEHARA said.

42. Mr. Lau came to the main office and was in Executive Assistant Patrick Lee's office and directly addressed MS. TAKEHARA in a stern tone saying that he doesn't appreciate MS. TAKEHARA calling him Libby Lau.

43. MS. TAKEHARA responded that it wasn't her and then Mr. Lau kind of laughed about it.

44. Mr. Lau then stated he doesn't like MS. TAKEHARA questioning him.

45. MS. TAKEHARA responded that she didn't.

46. Mr. Lau said he approved double transport and MS. TAKEHARA was asking Peter who he was assigning to cover the transport.

47. Mr. Lau went to talk to DPA Prosecutor Keith Kaneshiro in Mr. Kaneshiro's office.

48. Mr. Lee came down to MS. TAKEHARA's office to tell her Investigator's Justin Endo and Darrien Thornley are no longer under MS. TAKEHARA and I'm no longer needed at the HPSH.

49. All MS. TAKEHARA's HPSH duties were taken away from her without providing her a valid reason why.

50. Mr. Lee stated there is an official complaint made by HPSH Director Lee-Hobbs against MS. TAKEHARA regarding the October 3rd incident where HPSH Director Lee-Hobbs yelled for help.

51. On October 11, 2018 at 0620 hours, MS. TAKEHARA received an email from Mr. Lau that MS. TAKEHARA was not getting the Top Cop award which she was told, in August 2018, by Mr. Lau she was going to receive.

52. On October 15, 2018 at 1330 hours, MS. TAKEHARA told DPA First Deputy Chasid Sapolu that the HPSH personnel were shredding documents.

53. MS. TAKEHARA asked Mr. Sapolu if she should contact the FBI.

54. Mr. Sapolu responded don't call FBI and that he already notified admin of the reported shredding.

55. Per Mr. Sapolu, MS. TAKEHARA was to rewrite her HCRC statement regarding HPSH resident MN and wait for direction from him.

56. Mr. Sapolu stated that he would talk to Prosecutor Keith Kaneshiro and Executive Assistant Carol Nakamura about MS. TAKEHARA changing her statement to the Hawai'i Civil Rights Commission ("HCRC") as to why Resident MN'S complaint wasn't addressed.

57. MS. TAKEHARA told Mr. Sapolu that MS. TAKEHARA felt pressured into writing her original statement with HPSH Director Lee-Hobbs looking over her shoulder.

58. MS. TAKEHARA knew at that time, for a fact, that HPSH Director Lee-Hobbs and Former DPA Senior Clerk Kim Lim opened the complaint letter regarding MN from the HCRC, which was disputed.

59. On October 16, 2018, MS. TAKEHARA gave Mr. Sapolu her follow-up regarding the HCRC MN Complaint.

60. Mr. Lee was present when MS. TAKEHARA gave Mr. Sapolu her follow-up.

61. On October 26, 2018, MS. TAKEHARA formally submitted to Mr. Lee her complaint of sexual harassment against Ms. Daniel-Kanetake for the conduct of Ms. Daniel-Kanetake as stated above.

62. On November 1, 2019, MS. TAKEHARA had a meeting with Ms. Mossman.

63. During said meeting, Ms. Mossman stated to MS. TAKEHARA that the DPA's office's administration used Ms. Mossman to get at MS. TAKEHARA.

64. Ms. Mossman stated that she was never threatened by MS. TAKEHARA and was only concerned about MS. TAKEHARA's well-being.

65. Ms. Mossman never filed a HPD complaint regarding MS. TAKEHARA and was surprised when the HPD detective notified her.

66. Ms. Mossman stated that she felt uncomfortable because a few days prior to the meeting, Mr. Lau approached her and said, "I have to hire an attorney because of..." and pointed at MS. TAKEHARA.

67. Ms. Mossman stated she almost filed a false reporting complaint against Mr. Lau.

68. On November 15, 2018, MS. TAKEHARA testified for the third time at the federal grand jury regarding the HPSH and a video of HPSH personnel covering the cameras when they were shredding documents.

69. On December 7, 2018, Mr. Lee turned in his investigative report regarding MS. TAKEHARA's sexual harassment complaint against Ms. Daniel-Kanetake for spreading the rumor that MS. TAKEHARA was having a sexual/romantic relationship with HPSH Director Lee-Hobbs and HPSH Resident SB on Prosecuting Attorney Keith Kaneshiro's desk.

70. During Mr. Lee's investigation Ms. Daniel-Kanetake admitted to making the false, harassing and discriminatory statements MS. TAKEHARA complained of.

71. Mr. Lee's investigative report substantiated all of MS. TAKEHARA's complaints against Ms. Daniel-Kanetake.

72. Ms. Daniel-Kanetake was only suspended two days.
73. On December 17, 2018 at 1028 hours, MS. TAKEHARA emailed Mr. Lau asking for HPSH security logs to substantiate her claim of overtime work.
74. On December 26, 2018, while at the HPSH, Ms. Daniel-Kanetake came into the common area near MS. TAKEHARA and Residential Assistant Jasmine Mina. RA Brittany Swindler was also there.
75. On December 27, 2018, Mr. Lee came into MS. TAKEHARA's office and said Mr. Lau said to check MS. TAKEHARA's phones because Admin believed MS. TAKEHARA was the snitch/leaking information.
76. MS. TAKEHARA took that to mean a snitch/leaking information to the FBI.
77. Throughout this timeframe, MS. TAKEHARA was denied access to HPSH computer systems as well as to resident folders.
78. MS. TAKEHARA could not perform her job without the access to the HPSH computer systems.
79. In December 2018, Mr. Lau told Mr. Lee that then Former HPSH Director Lee-Hobbs said MS. TAKEHARA was suicidal.
80. This was completely untrue.
81. On December 28, 2018, Ms. Daniel-Kanetake was served suspension papers for the two days suspension.
82. On January 8, 2019 MS. TAKEHARA submitted her previously-mentioned overtime claim of approximately 496 overtime hours.
83. On January 9, 2019, per Mr. Lee, Senior Clerk Bryce Kaaikala calls Executive Assistant Carol Nakamura saying "I'm heading to the Safe House to cause a scene."
84. Ms. Nakamura asks Mr. Lee, where MS. TAKEHARA was.
85. On January 10, 2019, MS. TAKEHARA turns in a "to/from" with reports regarding her overtime claim previously submitted.
86. MR. TAKEHARA's access to HPSH Security Logs was blocked again.
87. On January 14, 2019, Investigator Darrien Thornley submits "to/from" to Mr. Lee after hearing that Senior Clerk Bryce Kaaikala called Ms. Nakamura.
88. Mr. Lee informs MS. TAKEHARA that Senior Clerk Bryce Kaaikala is

now saying “MS. TAKEHARA is calling him and denying him access to the transport calendar”.

89. On January 17, 2019, Ms. Mina has a meeting with New HPSH Director Sandra Kinta and Kint says MS. TAKEHARA is banned from the safe house.

90. Ms. Kint also questions if Ms. Mina and MS. TAKEHARA are “more than friends”.

91. On January 23, 2019, Ms. Daniel-Kanetake came to the main office to pick up mail and glared at MS. TAKEHARA with crossed arms staring MS.TAKEHARA down with a hostile demeanor.

92. Ms. Daniel-Kanetake listened to Supervising Clerk Lace Keaunui and MS. TAKEHARA having a private conversation.

93. MS. TAKEHARA told ASO Tamanaha that she was going to file an EEOC complaint regarding discrimination and retaliation. This conversation was recorded by MS. TAKEHARA.

94. On January 24, 2019 at 1326 hours, MS. TAKEHARA sent an email to Mr. Lee, Mr. Lau, Ms. Nakamura, ASO Tamanaha, Van Ohumukini and HGEA Tim Ransom about her OT claim, HPSH Director Kint saying MS. TAKEHARA was banned from HPSH, Ms. Daniel-Kanetake creating a hostile work environment and Senior Clerk Bryce Kaaikala spreading false accusations.

95. On January 24, 2019, Mr. Lee gives MS. TAKEHARA a “to/from” denying her overtime request.

96. No one responded to MS. TAKEHARA’s claims of a hostile work environment or the spreading of false accusations.

97. On January 25, 2019, Mr. Lee says he’s assigned to talk to HPSH Director Kint as to why she’s saying MS. TAKEHARA was banned from HPSH and why she’s asking if MS. TAKEHARA is in a relationship with Ms. Mina.

98. On January 28, 2019, Mr. Lee talks to HPSH Director Kint and HPSH Director Kint says Ms. Nakamura told her MS. TAKEHARA was banned from the HPSH.

99. Mr. Lee told Ms. Nakamura to tell her staff to stop talking about MS. TAKEHARA.

100. Ms. Kint denied asking if Ms. Mina and MS. TAKEHARA were more than friends.

101. Ms. Kint tells Mr. Lee that Ms. Mina is twisting what she said and says Ms. Mina is undermining her.

102. On January 30, 2019, Ms. Nakamura goes to the safe house to talk to HPSH Director Kint.

103. On or about January 2019, Investigator Darrien Thornley tells Ms. Nakamura that it's not right that Bryce is put in charge as acting director of the HPSH over the weekend.

104. Ms. Nakamiura says she's going to talk to HPSH Director Kint about that.

105. Ms. Lee gives Ms. Nakamura Mr. Thornley's "to/from" to show HPSH Director Kint.

106. On February 4, 2019 at 1000 hours, DPA Investigator Tyson Tsukamoto and Mr. Lee come to MS. TAKEHARA's office.

107. Mr. Tsukamoto says he feels MS. TAKEHARA is dumping on him and he's getting all the assignments no one wants.

108. MS. TAKEHARA said no it's that she couldn't say about Jim Labrador's health (he said Mr. Labrador told him in the mtg).

109. Mr. Tsukamoto said there was a lack of communication and MS. TAKEHARA responded that he could have come to her and that she's there everyday.

110. Mr. Tsukamoto mentioned hostile environment. He wasn't happy with outcome.

111. Investigator Blaise Atabay said after Mr. Tsukamoto left ISD Clerk Sherry Mossman was grumbling in the ISD Section.

112. On February 6, 2019, Mr. Tsukamoto asked to meet with MS. TAKEHARA and he came to her office to ask if there's a reason why she was not going to the shooting range.

113. MS. TAKEHARA responded because of her hand, she didn't know the strength and didn't want to put anyone in danger.

114. MS. TAKEHARA conveyed she had seen a physical therapist and was working on it.

115. Mr. Tsukamoto talked about assignments and how MS. TAKEHARA wasn't dumping on him.

116. Mr. Tsukamoto said MS. TAKEHARA's group was upset and that she doesn't communicate with them.

117. MS. TAKEHARA responded that they were shorthanded.

118. MS. TAKEHARA felt as if Mr. Tsukamoto was fishing for issues with MS. TAKEHARA.

119. On February 6, 2019, Ms. Daniel-Kanetake in the main office without giving MS. TAKEHARA any notice or heads up to avoid Ms. Daniel-Kanetake, which MS. TAKEHARA had asked Mr. Lau for.

120. On February 6, 2019 at 1245 hours, MS. TAKEHARA was called into Mr. Lau's office.

121. Present are Mr. Lee, Mr. Lau, Mr. Ohumukini and MS. TAKEHARA.

122. On February 6, 2019, MS. TAKEHARA is placed on administrative leave pending an investigation in a complaint by Mr. Tsukamoto that MS. TAKEHARA said she was going to come and shoot up the office/administration.

123. Mr. Lee says he doesn't remember MS. TAKEHARA saying anything about a rifle or even Mr. Tsukamoto coming to her office.

124. MS. TAKEHARA said Mr. Tsukamoto even said MS. TAKEHARA hasn't talked to him in 2-3 months.

125. MS. TAKEHARA said she found it strange that Mr. Tsukamoto would talk to her today and that he filed this complaint on Monday because he wasn't happy with the outcome.

126. On February 11, 2019, Ms. Mina was on Hawaii News Now complaining of retaliation for testifying in front of the federal grand jury.

127. On February 21, 2019 at 1327 hours, MS. TAKEHARA received an email from HPD Detective Christian Trent saying MS. TAKEHARA was a suspect in a Terrositic Threatening case he was investigating based on a complaint from Mr. Tsukamoto.

128. MS. TAKEHARA's Honolulu Criminal Defense Attorney, Megan Kau, called Mr. Trent who stated Mr. Tsukamoto was not even calling him back.

129. Mr. Trent stated to Ms. Kau that he knows it's bogus, but he has to do his job.

130. Mr. Trent tells Ms. Kau Mr. Tsukamoto is the complainant.

131. On February 22, 2019, MS. TAKEHARA mailed her HCRC/EEOC complaint regarding Victim Witness Counselor Rosanna Daniel-Kanetake to both the City's Human Resources Administrator Denise Tsukuyama and the EEOC.

132. On March 5, 2019, DPA Investigator Cathy Miyata asked Ms. Mina if the rumor is true that former HPSH Director Lee-Hobbs and MS. TAKEHARA were having an affair.

133. Investigator Miyata also told Ms. Mina that MS. TAKEHARA was under investigation.

134. Ms. Miyata also stated to Ms. Mina that she didn't like Mr. Lee and DPA Investigator Blaise Atabay.

135. On March 5, 2019 at 2000 hours, DPA Investigator Chester Dasalla called saying he overheard Investigator Steve Siu telling Investigator's John Suyemoto and Kai Dodson that MS. TAKEHARA was under investigation.

136. On or about March 7, 2019, Honolulu County Prosecutor Keith Kaneshiro goes on paid administrative leave.

137. On March 7, 2019 at 1737, MS. TAKEHARA received a phone call from Ms. Tsukayama.

138. Ms. Tsukayama told MS. TAKEHARA she would be receiving two letters.

139. One letter for MS. TAKEHARA's complaint and one letter for the City's Department of Human Resources' director looking into retaliation because of Ms. Mina's news story regarding retaliation.

140. Ms. Tsukayama said she got MS. TAKEHARA's name from the office regarding that MS. TAKEHARA was on the news.

141. On March 11, 2019 at 1144 hours, Mr. Lee called saying MS. TAKEHARA was cleared of the terroristic threatening and could come back to work the next day.

142. Based on information and belief, Mr. Tsukamoto was not reprimanded or disciplined for making up the false allegation against MS. TAKEHARA.

143. On March 11, 2019 at 1309 hours, Mr. Lee called asking if MS. TAKEHARA had her office keys.

144. MS. TAKEHARA asked Mr. Lee for a letter stating she was cleared of any wrongdoing.

145. Mr. Lee responds that he will contact Ms. Nakamura regarding the request for a letter clearing MS. TAKEHARA.

146. On March 11, 2019, MS. TAKEHARA received the two letter from Ms. Tsukayama as stated above.

147. On March 12, 2019 at 0852 hours, MS. TAKEHARA calls Investigator Ken Takemoto (investigator with city EEO office) who MS. TAKEHARA was directed to contact per Ms. Tsukayama's letter.

148. The meeting with Mr. Takemoto is scheduled for Thursday, March 21, 2019 at 9 a.m.

149. On March 18, 2019 at 0830 hours, ASO Tamanaha handed MS. TAKEHARA her clearance letter regarding the terroristic threatening complaint.

150. On March 21, 2019, MS. TAKEHARA has her meeting with Mr. Takemoto and HGEA Rick Hartsell.

151. On March 22, 2019, MS. TAKEHARA has a meeting with Angie Santiago and Reuben Cavazos at EEOC office.

152. On March 25, 2019, Ms. Daniel-Kanetake again brings her 3-6 month old grandson to work at HPSH.

153. DPA was aware Ms. Daniel-Kanetake brought her 3-6 month old grandson to work and was allowed to do so.

154. MS. TAKEHARA felt, after making her complaints, as if she was the accused and Ms. Daniel-Kanetake was the victim by the way she was treated by the DPA.

155. On March 28, 2019, Mr. Lee informs MS. TAKEHARA that Acting Prosecutor Dwight Nadamoto doesn't want to talk to her after MS. TAKEHARA requested a meeting with Mr. Nadamoto through Mr. Lee regarding MS. TAKEHARA not wanting Mr. Lau supervising her anymore.

156. On April 2, 2019, MS. TAKEHARA goes to HPD to get HPD Report No. 19-069385 regarding the terroristic threatening case.

157. On April 3, 2019, MS. TAKEHARA emails Mr. Takemoto that she wanted to add another paragraph to her statement.

158. MS. TAKEHARA also informed Mr. Takemoto of the same in person since he was in the lobby of the DPA office.

159. On April 5, 2019 at 1000 hours, MS. TAKEHARA has a meeting with ASO Tamanaha and Mr. Nadamoto.

160. MS. TAKEHARA voiced her concerns about Mr. Lau's investigation of terroristic threatening allegations against MS. TAKEHARA and that she didn't agree with it and that the investigative report had opinions rather than facts.

161. MS. TAKEHARA told them she had HPD's investigation of the same which included Mr. Lau's internal investigative report.

162. MS. TAKEHARA tells them Mr. Lau didn't do a thorough report.

163. MS. TAKEHARA told Mr. Nadamoto, how can Mr. Lau find her guilty of anything if two out of the three people said it didn't take place and there was evidence MS. TAKEMOTO wasn't in the office at the time it allegedly took place.

164. Mr. Nadamoto said Mr. Lau is entitled to his opinions.

165. MS. TAKEHARA asks why Mr. Tsukamoto is still under her supervision and why Sherry is in division when she's on SA and said she is uncomfortable around guns.

166. MS. TAKEHARA also requested not to have to deal with Mr. Lau.

167. Mr. Nadamoto responded that Mr. Lau is MS. TAKEHARA's supervisor and there as no way around it.

168. On April 8, 2019, MS. TAKEHARA has a meeting with Investigator's Brandon Kaaa-Swain, Blaise Atabay, Cathy Miyata, Justin Endo and Tyson Tsukamoto.

169. MS. TAKEHARA asked if anyone on the team of investigators wanted to move out from MS. TAKEHARA's supervision.

170. Mr. Tsukamoto said Mr. Lau didn't ask him if Mr. Tsukamoto thought the threat was real.

171. On April 8, 2019, MS. TAKEHARA has a meeting with ASO Tamanaha and Mr. Tsukamoto.

172. Mr. Tsukamoto agreed to stay on team.

173. Mr. Tsukamoto seemed to be recording the meeting.

174. On April 8, 2019, MS. TAKEHARA tells ASO Tamanaha that she doesn't want to be supervised by Mr. Lau anymore and gave her "to/from" to give to Mr. Nadamoto

regarding the same and to summarize her meeting with Mr. Nadamoto on April 5th.

175. MS. TAKEHARA tells Mr. Tamanaha she would give him until end of day to remedy the issue and remove her from the supervision of Mr. Lau or she would email the City and County's Department of Human Resources.

176. Mr. Tamanaha called MS. TAKEHARA later that same day and stated Mr. Lau would still be her supervisor.

177. On April 9, 2019, MS. TAKEHARA emailed Denise Tsukayama and Department of Human Resources Director Carolee Kubo alleging discrimination and retaliation and asking to be removed from the supervision of Mr. Lau.

178. On April 10, 2019, Department of Human Resources Director Carolee Kubo emailed MS. TAKEHARA that emailed Ms. Tsukayama will get in touch with MS. TAKEHARA.

179. On April 11, 2019, MS. TAKEHARA is served papers by Mr. Nadamoto, Executive Assistant Carol Nakamura, and Executive Assistant Roger Lau regarding the HPD CRS system.

180. MS. TAKEHARA is again put on paid administrative leave.

181. On April 11, 2019, MS. TAKEHARA left a voicemail message with Ms. Tsukayama and emailed Ms. Kubo and Ms. Tsukayama regarding that MS. TAKEHARA was again placed on leave and she felt she was being retaliated against again.

182. On April 11, 2019, MS. TAKEHARA met with federal EEOC, Regelio Colon, filed a wage dispute with the federal Department of Labor and notified HGEA that she was again placed on leave.

183. On April 30, 2019 at 1408 hours, Ms. Tsukayama emailed MS. TAKEHARA stating Mr. Takemoto will handle MS. TAKEHARA's concerns of Mr. Lau being her supervisor and her again being placed on leave.

184. On May 2, 2019 MS. TAKEHARA filed her Charge of Discrimination with the EEOC and Hawaii Civil Rights Commission ("HCRC") alleging sex discrimination and retaliation -EEOC Charge No 486-2019-00274/ HCRC FEPA No. 20676.

185. On May 2, 2019, MS. TAKEHARA received a letter from EEO Administrator Tsukayama informing MS. TAKEHARA that she was being investigated for creating a hostile work environment for Ms. Daniel-Kanetake.

186. Ms. Daniel-Kanetake's complaint was allegedly submitted on February 26, 2019.

187. On May 3, 2019 at 0953 hours, MS. TAKEHARA receives an email from ASO Tamanaha regarding Ms. Daniel-Kanetake's complaint.

188. On May 3, 2019, MS. TAKEHARA emails EEOC Investigator Colon, HGEA Rick Hartsell and attorney Megan Kau regarding Ms. Daniel-Kanetake's complaint.

189. On May 3, 2019, MS. TAKEHARA emailed Ken Takemoto, Angie Santiago, Ben C, and Ms. Kubo about Ms. Daniel-Kanetake's most recent complaint.

190. On May 6, 2019 at 1014 hours, MS. TAKEHARA receives an email from Ms. Tsukayama stating that the investigator into MS. TAKEHARA's complaint with investigate if Ms. Daniel-Kanetake's most recent complaint is retaliation against MS. TAKEHARA.

191. On May 6, 2019, MS. TAKEHARA filed her Amended Charge of Discrimination with the EEOC and Hawaii Civil Rights Commission ("HCRC") alleging sex discrimination and retaliation.

192. On May 7, 2019, Ms. Mina met with City EEOC Investigators Angie and Ben regarding MS. TAKEHARA's complaint against Ms. Daniel-Kanetake.

193. On May 9, 2019 at about 1600 hours, Investigator Lori McCready left voicemail on MS. TAKEHARA's home phone HPD CRS Complaint.

194. On May 10, 2019 at 1148 hours, MS. TAKEHARA left a response voicemail message Ms. McCready

195. On May 10, 2019 at 1256 hours, MS. TAKEHARA calls Ms. McCready and an interview is set for Thursday May 16, 2019 at 10 a.m.

196. On May 14, 2019 at 1137 hours, the City EEO Investigator Ken Takemoto sent an email for an interview regarding retaliation.

197. On May 16, 2019 at 1019 hours, MS. TAKEHARA's interview with McCready and Mr. Hartsell is held.

198. Ms. McCready states that Mr. Nadamoto is the complainant.

199. When Mr. Nadamoto initially served the HPD CRC complaint on MS. TAKEHARA he told MS. TAKEHARA that it was HPD that initiated the complaint.

200. On May 16, 2019 at 1704 hours, Ms. Tsukayama sent MS. TAKEHARA an email that MS. TAKEHARA was named as a witness in Bryce's complaint against Ms. Mina

and Investigator Kawika Talisman would like to interview MS. TAKEHARA regarding Bryce's complaint against Ms. Mina.

201. On May 20, 2019 at 0841 hours, MS. TAKEHARA sent an email to City EEO Investigator Ken Takemoto for a meeting on May 30, 2019 at HGEA for 1100 hours.

202. On May 20, 2019 at 1529 hours, MS. TAKEHARA emailed Ms. Tsukayama for more information regarding the Mr. Talisman interview.

203. On May 20, 2019 at 1628 hours, Ms. Tsukayama responded saying it's regarding Bryce's complaint against Ms. Mina.

204. On May 30, 2019, MS. TAKEHARA has her interview with City EEO Investigator Ken Takemoto.

205. Mr. Takemoto asks if anyone told MS. TAKEHARA not to go to the federal grand jury.

206. Mr. Takemoto didn't address any of MS. TAKEHARA's underlying concerns regarding retaliation.

207. On June 4, 2019, Mr. Lee gave Investigator Aaron Smith's report (complaint of MS. TAKEHARA being suspended 10 days & Ms. Mina's) to ASO Tamanaha because Ms. Nakamura was off.

208. On June 5, 2019, MS. TAKEHARA also does her interview with Mr. Talisman regarding Ms. Daniel-Kanetake's complaint against MS. TAKEHARA.

209. Ms. Daniel-Kanetake is saying MS. TAKEHARA is no longer at the HPSH because Ms. Daniel-Kanetake and Mr. Lee-Dodds complaint against MS. TAKEHARA was substantiated.

210. Ms. Daniel-Kanetake told Mr. Talsiman MS. TAKEHARA is retaliating against Ms. Daniel-Kanetake because of it.

211. On June 5, 2019 at 1345 hours, City EEO Investigator Ken Takemoto emailed draft of retaliation statement of May 30, 2019.

212. On June 18, 2019, Mr. Lee asked DPA Investigator Aaron Smith to make a copy of the report (re: MS. TAKEHARA's report of false claim of 10 day suspension) because ASO Tamanaha did not give to admin.

213. On June 21, 2019, at 1153 hours, Mr. Lee called MS. TAKEHARA saying to come back to work on Monday and that the office found her in violation of another policy that

she left her computer on, but not the HPD CRS policy.

214. MS. TAKEHARA receives a verbal counseling/warning.

215. On June 21, 2019 at 2102, MS. TAKEHARA emailed Mr. Takemoto her signed statement regarding her retaliation complaint.

216. On June 22, 2019 at 2102, MS. TAKEHARA mailed Mr. Takemoto the original signed statement.

217. On June 24, 2019, Mr. Lee gave Investigator Aaron Smith's report to Ms. Nakamura.

218. On June 24, 2019 at 0800, Mr. Lee served MS. TAKEHARA with a letter for the verbal warning she received.

219. On June 26, 2019 at 1300 hours at the Kokohead shooting range, Mr. Tsukamoto, Steve, John, Aaron, and Pat are present with MS. TAKEHARA.

220. It was a new course with only two tries.

221. Mr. Tsukamoto said if you have a malfunction, you will be given more time if you don't just stand there.

222. In the first string of first try, MS. TAKEHARA's shirt jammed the gun and she got off the third shot right after the buzzer sounded.

223. Pat said my shirt got caught and Tyson said "Oh well, in the real world you have to deal with it" and he failed MS. TAKEHARA.

224. On her second try, MS. TAKEHARA was already mad and sprayed 6 out of 30 rounds in gray.

225. Chester says on February 8, 2019 Mr. Lau was allowed to shoot without his vest.

226. On June 27, 2019, per Mr. Lee, Investigator Aaron Smith turned in final report regarding MS. TAKEHARA allegedly having a ten (10) day suspension.

227. On June 28, 2019, Mr. Lee called saying he talked with Sherry Mossman today.

228. Ms. Mossman says Detective Trent called her saying she was a victim in a the terroristic threatening case.

229. Ms. Mossman told Detective Trent that she never initiated a case and asked who did.

230. Detective Trent told her admin.
231. Ms. Mossman said she got the report number from Detective Trent and she ran it in CRS.
232. Ms. Mossman admitted that she ran numbers in CRS in violation of policy and tried clicking on it.
233. On July 13, 2019, MS. TAKEHARA received a letter in the mail from the City Department of Human Resources and Mr. Tamanaha, that Mr. Takemoto's investigation is did not find retaliation and DPA couldn't do an investigation because the HPSH resident refused to be interviewed.
234. On July 15, 2019 at 0800 hours, MS. TAKEHARA spoke to Aaron Smith and he said he only did Ms. Mina's complaint investigation.
235. DPA said the resident refused to talk.
236. Mr. Smith said admin said MS. TAKEHARA's complaint was taken care of.
237. On July 15, 2019 , MS. TAKEHARA received a letter from Mr. Tamanaha regarding Ms. Daniel-Kanetake complaint.
238. On July 16, 2019, MS. TAKEHARA sent ASO Tamanaha an email with questions.
239. On July 18, 2019, per Investigator Norman Carlbom, Investigator Lynn Katsura let off rounds after the buzzer sounded at last qualification and still passed.
240. On July 22, 2019, MS. TAKEHARA was taken off investigator interviews by Ms. Nakamura.
241. On July 23, 2019 at 1151 hours, MS. TAKEHARA sent an email to Ben and Angie asking for an update as to the complaint MS. TAKEHARA submitted in February 2019.
242. To this day, this investigation is still open.
243. On July 24, 2019 at 1547 hours, ASO Tamanaha emailed MS. TAKEHARA saying her investigation that Aaron Smith was supposed to be doing was done in house.
244. On July 24, 2019 at 1555 hours, MS. TAKEHARA sent an email to ASO Tamanaha asking who did the investigation.

245. On July 25, 2019 at 1028 hours, ASO Tamanaha replied via email that an investigation was done.

246. On July 31, 2019, Ms. Lee talked to MS. TAKEHARA about going to Bryce's hearing with Blaise and Brandon.

247. MS. TAKEHARA said she was there because Blaise and Brandon need to talk to the DPA.

248. On July 31, 2019 at 0824 hours, MS. TAKEHARA sent ASO Tamanaha an email with questions asking why Ms. Mina's letters are different based on the same facts/complaint.

249. On July 31, 2019 at 1507 hours, ASO Tamanaha responds letters are different and that he couldn't say anything more.

250. On July 31, 2019, MS. TAKEHARA forwarded ASO Tamanaha's email to Attorney Megan Kau and HGEA's Rick Hartsell.

251. On August 1, 2019, Mr. Hartsell called ASO Tamanaha requesting that they reopen the investigation.

252. On August 26, 2019, Ken Takemoto starts at DPA as an investigator.

253. On August 28, 2019, MS. TAKEHARA receives a letter from admin asking her to explain why she feels Mr. Takemoto shouldn't do her March 28, 2019 complaint.

254. On September 2, 2019, Ms. Mina's follow-up Hawai'i News Now story aired.

255. On September 4, 2019, icons on MS. TAKEHARA's computer are all moved showing someone was on her computer.

256. On September 5, 2019 at 0904 hours, Acting Prosecutor Dwight Nadamoto, who is good friends with Mr. Lau, sent out an email to all employees of DPA regarding Ms. Mina's Hawai'i News Now story stating in essence there was no retaliation.

257. On September 5, 2019 at 1428 hours, MS. TAKEHARA received an email that she had to move offices.

258. MS. TAKEHARA was moved to the back of the office near Sherry, who she didn't feel comfortable near.

259. On September 9, 2019 at 0937 hours, MS. TAKEHARA emailed Acting Prosecutor Dwight Nadamoto and cc'd Megan Kau, MS. TAKEHARA's response.

260. On September 9, 2019 at 0950 hours, MS. TAKEHARA gave her original letter (response to Aug 28, 2019) letter to first deputy secretary Staci Lee.

261. On September 12, 2019 at 0820 hours, MS. TAKEHARA received admin response from Staci Lee.

262. On September 12, 2019 at 0840 hours, Ms. Nakamura called Investigator Aaron Smith upstairs.

263. On September 13, 2019 at 1445 hours, MS. TAKEHARA received an email from Mr. Lau saying he's temporarily in charge of ISD.

264. On September 18, 2019 at 0300 hours, MS. TAKEHARA's office door was ajar after she had closed it.

265. On September 18, 2019 at 0703, MS. TAKEHARA emails to Mr. Lau, HPSH Director Kint, ASO Tamanaha, and Attorney Megan Kau requesting her belongings (change of clothes, cameras and things she needed for work) from HPSH.

266. On September 18, 2019 at 0830 hours, MS. TAKEHARA has her interview with the City EEO Investigator Jan Kemp regarding Ms. Mina's complaint on retaliation by the DPA.

267. On September 19, 2019, MS. TAKEHARA went to the HPSH to retrieve her belongings but everything was missing, including her camera, coke, iced tea, tackle box, car cleaning supplies and her change of clothes, that she can remember.

268. On September 20, 2019, MS. TAKEHARA emailed Mr. Lau and Ms. Kint regarding her my missing belongings

269. On September 23, 2019 at 0930 hours, HPD Officer Jason Kubo came to the office to make a complaint on DPA Investigator Norm Carlbom, supervised by Mr. Lau, for impersonating a HPD officer by using blue lights in his truck.

270. On September 23, 2019 at 0920 hours, MS. TAKEHARA emailed Jan Kemp (the City EEO) her signed statement.

271. On September 23, 2019 at 1544 hours, Ms. Kint emailed MS. TAKEHARA saying they could not verify MS. TAKEHARA's items were left.

272. On September 24, 2019, Mr. Lau called a meeting with MS. TAKEHARA to inspect her team's vehicles for blue lights.

273. On September 26, 2019 at 1614 hours, MS. TAKEHARA received an

email from ASO Tamanaha saying MS. TAKEHARA was under investigation for retaliation/intimidation for Bryce Kaaikala.

274. On September 27, 2019 at 0830 hours, MS. TAKEHARA emailed Corp Counsel George White.

275. On September 27, 2019 at 1058 hours, Mr. White emailed MS. TAKEHARA back saying Bryce Kaaikala made a complaint.

276. On October 3, 2019, MS. TAKEHARA received her “Right to Sue” letter from the HCRC.

277. On November 25, 2019, Mr. Lau failed to qualify at the shooting range three (3) times before he actually passed on the fourth try.

278. As stated above, on June 26, 2019, after failing twice, MS. TAKEHARA was told she needed to come at another date to qualify.

279. On November 25, 2019, MS. TAKEHARA’s new supervisor, Jordan Lowe, should’ve failed, but passed also.

280. Mr. Lowe did an emergency reload instead of a tactical reload.

281. This was witnessed by MS. TAKEHARA and investigator Chester Dasalla.

COUNT I SEX DISCRIMINATION

282. MS. TAKEHARA incorporates paragraphs 1 through 281 as though fully set forth herein.

283. The sex discrimination of MS. TAKEHARA and creation of a hostile work environment, as described aforesaid, evidences a discriminatory environment towards MS. TAKEHARA at DPA.

284. An employer shall not discriminate against an employee based on sex under HRS, § 378-2 which states in pertinent part as follows:

§ 378-2: It shall be unlawful discriminatory practice:

(1) Because of race, sex, sexual orientation, age, religion, color, ancestry, disability . . .

(A) For any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment

285. DPA's conduct as described above is a violation of HRS, § 378-2(1).

286. These aforementioned acts and/or conduct of DPA entitle MS.

TAKEHARA to damages as provided by law. As a direct and proximate result of said unlawful employment practices MS. TAKEHARA has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

COUNT II RETALIATION

287. MS. TAKEHARA incorporates paragraphs 1 through 286 as though fully set forth herein.

288. The treatment of MS. TAKEHARA, as described aforesaid, evidences retaliation against MS. TAKEHARA at the DPA for complaining of discrimination at the DPA.

289. It shall be unlawful discriminatory practice for an employer to retaliate against an individual under HRS, § 378-2 which states in pertinent part as follows:

§ 378-2: It shall be an unlawful discriminatory practice:

- (1) Because of race, sex including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or domestic or sexual violence victim status

if the domestic or sexual violence victim provides notice to the victim's employer of such status or the employer has actual knowledge of such status:

- (A) For any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment;
- (2) For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any individual because the individual has opposed any practice forbidden by this part or has filed a complaint, testified, or assisted in any proceeding respecting the discriminatory practices prohibited under this part;

290. The DPA's conduct as described above is a violation of HRS § 378-2(2).

These aforementioned acts and/or conduct of the DPA entitle MS. TAKEHARA to damages as provided by law. As a direct and proximate result of said unlawful employment practices MS. TAKEHARA has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

COUNT III
VIOLATION OF HRS 378 PART V WHISTLEBLOWERS' PROTECTION ACT

291. MS. TAKEHARA incorporates paragraphs 1 through 290 as though fully set forth herein.

292. The treatment of MS. TAKEHARA, as described aforesaid, evidences retaliation against MS. TAKEHARA at DPA for reporting illegal practices at DPA.

293. An employer shall not retaliate against an employee based on their whistleblowing under HRS, § 378-62 which states in pertinent part as follows:

§ 378-62: An employer shall not discharge, threaten or otherwise discriminate against an employee...because:

- (1) The employee... reports or is about to report to the employer...verbally or in writing, a violation or suspected violation of:
 - (A) A law, rule, ordinance, or regulation, adopted pursuant to the law of this State, a political subdivision of the State or the United States;

294. DPA's conduct as described above is a violation of HRS § 378-62(1)(A).

295. These aforementioned acts and/or conduct of DPA entitle MS. TAKEHARA to damages as provided by law. As a direct and proximate result of said unlawful employment practices MS. TAKEHARA has suffered extreme mental anguish, outrage, depression, great humiliation, severe anxiety about her future and her ability to support herself, as well as painful embarrassment among her relatives and friends, damage to her good reputation, disruption of her personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

PRAYER FOR RELIEF

WHEREFORE, MS. TAKEHARA respectfully prays that this Court enter judgment granting the following relief on all causes of action:

A. That this Court enter a declaratory judgment that DEFENDANTS have violated the rights of MS. TAKEHARA;

B. That this Court award MS. TAKEHARA special damages for the aforementioned Counts including but not limited to back pay, front pay, and all employee benefits that would have been enjoyed by him, in amounts which shall be shown at trial;

C. That this Court award MS. TAKEHARA compensatory damages, proximately caused by DPA's tortious and abusive conduct, including, but not limited to, general damages for intentional infliction of mental or emotional distress, assessed against DPA, all in an amount to be proven at trial;

D. That this Court award MS. TAKEHARA exemplary or punitive damages in an amount to be proven at trial, as the facts aforesaid, constitutes extreme and outrageous behavior which exceeds all bounds usually tolerated by decent society. In committing the above acts and omissions, DPA acted wantonly and/or oppressively and/or with such malice as implies a spirit of mischief or criminal indifference to civil obligations and/or there has been some willful misconduct that demonstrates that entire want of care which would raise the presumption of a conscious indifference to consequences, justifying an award of punitive or exemplary damages in an amount to be proven at trial;

E. That this Court award MS. TAKEHARA reasonable attorney's fees and costs of suit herein as well as prejudgment and post-judgment interest;

F. That this Court order appropriate injunctive relief.

G. That this Court retain jurisdiction over this action until the DPA has fully complied with the order of this Court and that this Court require the Defendants to file such reports as may be necessary to secure compliance;

H. That this Court award MS. TAKEHARA such other and further relief both legal and equitable as this Court deems just, necessary and proper under the circumstances.

DATED: Honolulu, Hawaii, November 26, 2019.

/s/ Joseph T. Rosenbaum
ELIZABETH JUBIN FUJIWARA
JOSEPH T. ROSENBAUM
Attorneys for Plaintiff

DEBRA TAKEHARA

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

DEBRA TAKEHARA,

Plaintiff,

VS.

DEPARTMENT OF PROSECUTING
ATTORNEY, CITY AND COUNTY OF
HONOLULU; JOHN DOES 1-10; JANE
DOES 1-10;
DOE CORPORATIONS 1-10;
DOE PARTNERSHIPS 1-10; DOE
UNINCORPORATED ORGANIZATIONS
1-10; and DOE GOVERNMENTAL
AGENCIES 1-10,

Defendants.

[illegible]

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable herein.

DATED: Honolulu, Hawaii, November 26, 2019.

/s/ Joseph T. Rosenbaum
ELIZABETH JUBIN FUJIWARA
JOSEPH T. ROSENBAUM
Attorneys for Plaintiff
DEBRA TAKEHARA